

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**TRACE PATE; EVAN WYNN;  
DONALD GRIDER; and RICK SHAW**

**PLAINTIFFS**

**v.**

**No. 3:19-cv-280-DPM**

**JONES LANDELEVELING, LLC;  
TERRY JONES; and JOHN DUCKWORTH**

**DEFENDANTS**

**JUDGMENT**

1. The Court held a bench trial on 6–7 February 2023 in Jonesboro. Before hearing the evidence, the Court granted Plaintiffs’ motion to dismiss Rick Shaw for failure to prosecute. His claims are dismissed without prejudice.

2. At the conclusion of Plaintiffs’ case in chief, the Court granted Defendants’ unopposed motion for judgment as a matter of law on all of Plaintiffs’ claims for unpaid wages after December 2018 for lack of proof. Those claims are dismissed with prejudice.

3. All claims against John Duckworth through Duckworth Landleveling are dismissed with prejudice. It was agreed that those claims arose in 2019. Duckworth Landleveling, a sole proprietorship, was never a party. It need not be dismissed. The Court misspoke in its bench ruling when it addressed this entity.

4. At the end of the evidence, the Court made findings of fact and conclusions of law from the bench. The parties also – at the Court’s request – submitted post-trial briefs on Pate’s damages calculation and attorney’s fees. Based on the whole record and all the Court’s rulings, the Court enters Judgment in favor of Jones Landleveling, LLC, Terry Jones, and John Duckworth on Pate’s, Wynn’s, and Grider’s, federal and state claims for unpaid wages for hours worked from June 2018 to December 2018. Those remaining claims are dismissed with prejudice.

D.P. Marshall Jr.

D.P. Marshall Jr.  
United States District Judge

29 March 2023